

YAMAHA5.523APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jansson et al.

Appl. No. : 09/889,320

Filed : January 10, 2002

For : FRONT AND REAR WHEEL
DRIVE VEHICLE

Examiner : Frank B. Vanaman

) Group Art Unit 3618

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(Date)

William H. Shreve, Reg. No. 35,678

RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
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GROUP 3600

Dear Sir:

In response to the restriction requirement, Applicants elect Group I for prosecution in the present application.

The present election is being made with traverse. Applicant submits that it is well established that :

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions.**

M.P.E.P. § 803 (emphasis added).

The elected Group is directed to a vehicle comprising a hydraulic drive system for driving at least one front wheel and the non-elected Group is drawn to a vehicle comprising a hydraulic drive system for driving left and right front wheels. A proper search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. Thus, examination of all the claims would not present "a serious burden" on the Examiner. Applicants therefore respectfully request that the present restriction requirement be withdrawn.

In addition to the above-mentioned restriction requirement, the Examiner also imposed a provisional election among Species. In response to this requirement, Applicants provisionally elect Species II for prosecution on the merits should no generic claim be held allowable. At least Claims 23, 24, 30-34, 41, 42 are generic to all species, and Claims 35-40 read on at least Species II.

The present application is believed to be in condition for consideration, and Applicants respectfully request that examination commence on the merits of the application.

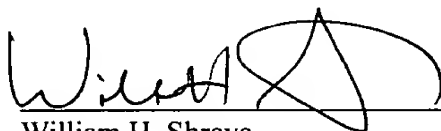
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

Jan. 20, 2004

By:



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